

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANTHONY SPEARMAN,

Plaintiff,

v.

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

No. 2:13-CV-5089-JTR

ORDER GRANTING STIPULATED  
MOTION TO REMAND  
PURSUANT TO SENTENCE FOUR  
OF 42 U.S.C. § 405(g)

**BEFORE THE COURT** is the parties' stipulated Motion to Remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 22. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney Jeffrey Eric Staples represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 4. After considering the file, and proposed order,

**IT IS ORDERED:**

1. The parties' Stipulated Motion to Remand, **ECF No. 22**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the administrative law judge (ALJ) will hold a new hearing and issue a new decision. Specifically, the ALJ shall: (1) re-evaluate Plaintiff's mental impairments pursuant to the special technique in 20 C.F.R. 404.1520a;

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(2) reconsider Plaintiff's residual functional capacity, and in so doing, further evaluate the medical opinion evidence in the record; (3) re-evaluate the evidence at step four of the sequential evaluation process, regarding whether Plaintiff has past relevant work he is capable of performing (Social Security Rulings 82-61 and 82-62); (4) seek supplemental vocational expert testimony, if warranted, to determine whether there are a significant number of jobs in the national economy that Plaintiff can perform; and (5) conduct the further proceedings required to determine if Plaintiff's substance use is a contributing factor material to a finding of disability (Social Security Ruling 13-2p). The ALJ will take any other actions necessary to develop the record, and Plaintiff may submit additional documentary evidence and present additional testimony to the ALJ on remand.

2. Judgment shall be entered for **PLAINTIFF**.

3. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN AS MOOT**.

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to enter this Order, forward copies to counsel, and **CLOSE THE FILE**.

DATED May 29, 2014.



A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

JOHN T. RODGERS  
UNITED STATES MAGISTRATE JUDGE